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STATUS OF CLAIMS

Claims 1-9, 11-26, 28-42, 44-61 and 63-80 are pending and rejected, and are the subject of this appeal.

GROUND OF REJECTION TO BE REVIEWED ON APPEAL

1. 35 U.S.C. § 102 Rejections: Claims 1-9, 11-26, 28-42, 44-61, and 63-80 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,240,555 (hereinafter “Shoff”).

REMARKS

The below is presented in response to the Examiner's Response to Argument in the Examiner's Answer. Appellants have presented below responses to any *new* statements by the Examiner. Thus, where no new discernable arguments were presented in the Examiner's Answer, Appellants have not added further responses, but relied on those presented in the Appeal Brief.

The Examiner's Response to Applicant's Argument is itemized as section 10 on pages 11-13 of the Examiner's Answer. Appellants will refer to paragraphs of section 10 in the discussion below as appropriate.

Appellant has carefully reviewed and considered the examiner's comments in the Examiner's Answer. However, Appellant submits it remains clear that the claimed features are not disclosed or suggested by the cited art and the cited art clearly teaches the contrary.

In the Examiner's Answer, the examiner first generally suggests that Appellant has mischaracterized the Schoff reference. On the contrary, Appellant has carefully considered the reference, what it teaches, and how it clearly differs from the claimed invention.

Appellant notes that the content of the Examiner's Answer (beginning at page 12) is almost entirely a verbatim copy of what was presented in the Final Office Action dated September 3, 2008 (beginning middle of page 2), which was addressed in Appellant's Brief (e.g., see Appellant's Brief, page 12). In the interest of economy, the Examiner's Answer is reproduced below with new content underlined. As most of the remaining material has already been addressed in Appellant's Brief, comments will for the most part be directed to the new material.

“Shoff discloses that, “An icon 204 is display at the lower right corner of the screen to inform the viewer that the program 202 is interactive (figs.8a+, col.9, lines 41 +) “As long as the viewer does not activate the icon 204, the viewer computing unit continues to receive the video program over the selected channel and display that program alone, without any supplemental content (steps 166 and 168 in FIG. 6). If the viewer decides to enter into an interactive mode, the viewer employs a remote control ... This causes the browser 106 to start the target resource located by the target specification listed in the EPG data structure (step 170 via the “yes” branch from step 164).” The flow chart, Figs.6-7, clearly shows that the computing unit processor goes through step 170 to step 186 and further teaches providing multiple levels of added content either upon selection or automatically provided by the storage unit of VCU or the Headend (HE) (figs.6-9, col.4, lines 27-34, col.9, line 41-col.10, line 10 and line 24-col.12, line 38). As further illustrates in fig.6-7, steps 182-1 86 is a continuous process where the viewer computing unit (VCU) or the Head end continuously or automatically retrieves the message queue and presents accordingly the supplemental information or additional information (“...automatic selections associated with the opportunity and comprising input to the interactive application. ..”) with the video program (col.10, line 34-col.12, line 38). Figures 6-7 illustrates this continuous and automatic process and figures 8a-8c illustrates the executing of a script which generates one or more automatic selections (figs 8b-8c) associated with the opportunity. Shoff discloses various embodiments, where the icon 204 can be displayed and the user interacts to receive continuously supplemental content and multi-levels of additional information (including soft buttons 21 2-221 and 232-237) based on user preferences and other embodiment where the supplemental content is automatically activate as soon as the browser is loaded on the processor to present the digital data (the script) which supports the interactive (figs 6-8c and col.9, line 41-col.12, line 23).”

The first new content included above is the statement “the viewer computing unit (VCU) or the Head end continuously or automatically retrieves the message queue.” Such a characterization of Shoff is in error as no such process or queue is described. In Appellant’s Brief, beginning at page 14, Appellant addressed the fact that Schoff includes not disclosure regarding a message queue (which is included in claims 9 and 17 of the claimed invention). As already noted, Appellant finds no teaching or suggestion of a “message queue” as is recited in claims 9 and 17, in the cited portion or anywhere else in Shoff, let alone the combined use of a message queue “to retrieve either one or more automatic selections or the one or more user selections,” as is recited in claim 9. These features are wholly absent. As the Examiner is certainly aware, anticipation requires the

presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim. *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984). The identical invention must be shown in as complete detail as is contained in the claims. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). These features are clearly not anticipated by Shoff as suggested.

The second new content above concerns the statement “Figures 6-7 illustrates this continuous and automatic process and figures 8a-8c illustrates the executing of a script which generates one or more automatic selections (figs 8b-8c) associated with the opportunity. Shoff discloses various embodiments, where the icon 204 can be displayed and the user interacts to receive continuously supplemental content and multi-levels of additional information (including soft buttons 21 2-221 and 232-237) based on user preferences and other embodiment where the supplemental content is automatically activate as soon as the browser is loaded on the processor to present the digital data (the script) which supports the interactive (figs 6-8c and col.9, line 41-col.12, line 23).” However, it’s worth repeating what the claim in fact recites – claim 1 recites

“executing a script which generates one or more automatic selections
associated with the opportunity, the automatic selections comprising input
to the interactive application that triggers provision of said added content,
the input being input that would otherwise be received responsive to a
viewer's active interaction; and
providing said added content for display in response to detecting said
automatic selections.”

The claim recites (i) a script that generates automatic selections associated with the opportunity, (ii) the automatic selections comprising input to the interactive application that triggers provision of said added content; (iii) the input being input that would otherwise be received responsive to a viewer's active interaction; (iv) providing said added content for display in response to detecting said automatic selections.

In the rejection language above, it is suggested “figures 8a-8c illustrates the executing of a script which generates one or more automatic selections.” However, figures 8a-8c only depict sample graphical interfaces. Shoff describes these figures as follows:

“Fig. 8a-8c are a series of exemplary screen illustrations showing different layouts of the video program and the supplemental content.” (Shoff, col. 4, lines 5-7).

Likewise, the description of these figures does not include any disclosure concerning “executing a script which generates one or more automatic selections associated with the opportunity, the automatic selections comprising input to the interactive application that triggers provision of said added content, the input being input that would otherwise be received responsive to a viewer's active interaction.”

Additionally, the Answer suggests “other embodiment where the supplemental content is automatically activate as soon as the browser is loaded on the processor to present the digital data (the script) which supports the interactive (figs 6-8c and col.9, line 41-col.12, line 23).”

With regard to this mode of operation, Schoff discloses the following:

“This leads to another approach to invoking the supplemental content. Rather than displaying an icon and waiting for input from the viewer, the viewer computing unit can automatically activate the target resource as soon as the browser is loaded on the processor (step 170 from the "automatic" branch from step 160).” (Shoff, col. 9, lines 60-65).

“When the viewer tunes to a particular channel, the viewer computing unit consults the EPG to determine if the present program is interactive. If it is, the viewer computing unit launches an interactive support module, such as an Internet browser. This browser is kept in memory and is dynamically loadable for execution on the processor when the viewer tunes to a channel carrying a video content program that the EPG identifies as interactive. The viewer

computing unit also depicts a small icon or other indicia to alert the viewer that the program is interactive. The viewer can click on or otherwise activate the icon to enter the interactive mode and display the supplemental content. As an alternative, the supplemental content can be automatically displayed in response to launching the Internet browser.” (Shoff, col., 3, lines 14-26).

“In the implementation described herein, the supplemental content is constructed as a hypertext file which is rendered by a browser. Hypertext, or hypermedia, is a metaphor for presenting information in which text, images, sounds, and actions become linked together in a complex, non-sequential web of associations that permit a user to browse through related topics, regardless of the presented order of the topics. Hypermedia content is widely used for navigation and information dissemination on the "World-Wide Web" (WWW or Web) of the Internet.” (Shoff, col. 5, lines 23-32).

As seen from the above, Shoff simply describes an internet browser may automatically be launched when a viewer tunes to an interactive program. The viewer may then access/browse the supplemental content via the browser. Appellant submits such a disclosure does not anticipate the features ““executing a script which generates one or more automatic selections associated with the opportunity, the automatic selections comprising input to the interactive application that triggers provision of said added content, the input being input that would otherwise be received responsive to a viewer's active interaction.” In contrast, Shoff simply describes launching the browser may be automatic in response to tuning to an interactive program. The browser may then be used to access and display supplemental content.

Appellant respectfully maintains the present claims are not anticipated by the cited art.

CONCLUSION

For the foregoing reasons, it is submitted that the remaining rejections are erroneous, and reversal of the rejections is respectfully requested.

If any extension of time (under 37 C.F.R. § 1.136) is necessary to prevent the above referenced application from becoming abandoned, Applicant hereby petitions for such an extension. The Commissioner is hereby authorized to charge any fees which may be required to Deposit Account No. 501505/5266-03400/RDR.

Respectfully submitted,

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